IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 21ST NOVEMBER 2007 / 30TH KARTHIKA 1929

Bail Appl..No. 7090 of 2007(A)

(CRIME NO. 573/2007 OF HILL PALACE POLICE STATION)
.....

PETITIONER/ACCUSED NO.3:

ABDUL RASHEED, AGED 46,
S/O. UDUMANKANNU, ANAKKUZHY, NEDUMPARAMBU,
PATHANAPURAM.

BY ADV. SRI.K.K.DHEERENDRA KRISHNAN.

RESPONDENT/ STATE:

STATE OF KERALA, REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, (CRIME NO.573 OF 2007 OF HILL PALACE
POLICE STATION).

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21/11/2007, ALONG WITH B.A. NO. 7210/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.Nos.7090 & 7210 of 2007

Dated this the 21st day of November 2007

O R D E R

These applications are for regular bail. The petitioners are accused 1 to 3 in a crime registered under Section 489 B and C. The petitioners had earlier come before this court and by order dated 9/10/2007 and 30/10/2007 in B.A.Nos.6123 and 6548 of 2007, the prayer of accused 1 and 2 for regular bail was dismissed by this court. All the three petitioners were arrested on 24/8/2007. They continue in custody. Learned counsel for the petitioner prays that the petitioners may be enlarged on bail.

2. Investigation is not complete and is unlikely to be completed by 23/11/2007, on which day, a period of ninety days would elapse and the petitioners will be entitled for bail by default under the proviso to Section 167(2) Cr.P.C. Giving time to the investigating officers till 23/8/2007, the petitioners can be released on bail subject to appropriate conditions, submits the learned Public Prosecutor. I am satisfied, in the circumstances explained above that the petitioners can be directed to be released on bail subject to appropriate terms and conditions.

3. In the result, these petitions are allowed. The petitioners shall be released on bail on the following terms and conditions:

i) The petitioners shall not be released on bail on the strength of this order prior to 23/11/2007. The investigating officer shall, in the meantime, make every endeavour to complete the investigation.

ii) They shall execute bonds for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m and 12 noon on all Mondays and Fridays, for a period of three months from the date of their release and thereafter as and when directed by the investigating officer in writing to do so.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007